

REMARKS

In a Final Office Action dated December 6, 2007, the Examiner has upheld the rejection of Claims 1-5, 7-13 and 16 under 35 USC § 103(a) as being unpatentable over USPN 7,142,676 issued to Hillier et al. (“Hillier”) in view of USPN 6,336,121 issued to Lyson et al. (“Lyson”) and further in view of USPN 6,256,733 issued to Thakkar et al. (“Thakkar”). The Examiner has again rejected Claims 6, 14-15, 17 and 20 under 35 USC § 103(a) as being unpatentable over Hillier in view of Lyson and further in view of US Pub. No. 2003/0194093 issued to Evans et al. (“Evans”). The Examiner has again rejected Claims 18-19 and 21 under 35 USC § 103(a) as being unpatentable over Hillier in view of Lyson and further in view of Thakkar and still further in view of Evans.

In this response, Applicant has canceled Claims 5 and 13, and respectfully traverses the rejection of the remaining claims. Without admitting the propriety of the rejection of the claims, Applicant has amended independent claims 1, 10, and 18 in an effort to advance the prosecution of the instant application as quickly as possible. Support for the amendments is found throughout the specification and drawings, and no new matter has been added.

Applicant requests continued examination and reconsideration of remaining Claims 1-4, 6-12, and 14-21 in view of the amendments to the claims and arguments as set forth in detail in the following remarks.

CLAIM REJECTIONS – 35 U.S.C. § 103

In support of the rejections of the claims under Section 103, the Examiner variously relies on four references, Hillier, Lyson, Thakkar, and Evans. However, among other deficiencies, none of these references disclose the encrypting of keys using the

public key of a trusted platform module that is separate from the parties between which keys are being exchanged. The Examiner's reliance on these four references, is therefore, not warranted.

Nevertheless, in an effort to advance the prosecution of the application as quickly as possible, Applicant has amended the independent claims to clarify the subject matter of the invention. The independent claims now explicitly recite a trusted party platform (TPM) that is separate from the entities between which the keys are being exchanged, the TPM having, among other characteristics, a public/private key pair that can be used to facilitate the exchange. Examiner has already conceded that neither Hillier nor Lyson explicitly disclose the encrypting of keys using the public key of an entity (see Office Action, Page 3). Applicant submits that Thakkar doesn't either, in particular Thakkar does not disclose the use of a public key of a TPM having a public/private key pair. For at least this reason, Applicant respectfully requests that the Examiner withdraw the rejection of the claims under Section 103.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-4, 6-12, and 14-21 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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